

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Brandon Lee Ganz,

Court File No. 16-32918 (WJF)

Debtor(s).

Brian Gerry Maleska,

Plaintiff(s),

vs.

BKY 16-32918

ADV 16-3135

Brandon Lee Ganz,

Defendant(s).

Judge William J. Fisher

SCHEDULING ORDER AND ORDER FOR TRIAL

IT IS HEREBY ORDERED:

1. **Discovery.** All discovery in this matter shall be concluded no later than November 30, 2017.

2. **Motions.** All dispositive or nondispositive motions, including those relating to discovery shall be heard by December 30, 2017.

3. **Trial.** This proceeding is set for trial in Courtroom 2B, United State Courthouse, 316 North Robert Street, St. Paul, MN, on **January 11, 2018 at 10:00a.m.**

4. On or before January 4, 2018, all parties are expected to confer and enter into stipulation as to the following:

- a. Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
- b. Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any.
- c. Facts not in dispute. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel shall exchange copies of each exhibit intended to be introduced and relied upon at trial. The exhibits shall be pre-marked as required in paragraph 5(d) of this Order.

5. ***Trial Documents.*** On or before January 4, 2018, parties shall prepare, serve and file the following:

- a. The stipulations regarding admissibility of exhibits and depositions;
- b. The stipulation of facts which are not disputed.
- c. A final witness list containing the names, addressed and brief summary of the testimony of each witness the party will call. A person not listed on this list may not testify during the parties case-in-chief;
- d. A final exhibit list containing a description of all exhibits to be offered at trial. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers. All pages of each exhibit shall have bates stamped page numbers. ***The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.***

Naming exhibits: Exhibits shall be identified as required in Term 5.d above, with the submitting party's name or an abbreviated form of that name added after the number or letter of the exhibit.

For example:

1-ABC CORP.pdf
2-ABC CORP.pdf

A-SMITH.pdf
B-SMITH.pdf

- e. A list of deposition to be offered at trial;
- f. A trial memorandum containing a complete chronology of the party's version of the facts and a complete statement of the law on which the party relies.
- g. Proposed Findings of Fact and Conclusions of Law

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two full additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 5.d, with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties, plaintiff or defendant, each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of then name by which it is identified in the caption.

6. ***Private Information.*** To avoid the inadvertent disclosure of private data and other sensitive information, counsel and parties unrepresented by counsel shall refrain from eliciting or mentioning during trial or including in motions, exhibits or any other submissions required by this order any of the following restricted information, except in the manner noted:

- a. Social Security numbers: use only the last four digits;
- b. Financial account numbers: use only the last four digits;

- c. Names of minor children: use only initials;
- d. Dates of birth: use only year of birth; and
- e. Home addresses of witnesses; use only city and state of residence.

If restricted information is mentioned in court, counsel or parties may ask to have it stricken from the record or partially redacted to conform to the judiciary's privacy policy.

7. ***Pre-trial Settlement.*** In the event of a settlement, each party has an independent obligation to notify the calendar clerk within 24 hours after a settlement agreement has been reached. Unless the Court orders otherwise, **the settlement document shall be filed within ten (10) calendar days after oral notice of the settlement.**

8. ***Effect of this Order.*** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation, reciting specified good cause in its terms, and otherwise only by formal motion. **If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED.R.CIV. 16(f), as incorporated by FED.R.BANKR.P.7016.**

9. Fed.R.Civ.P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

BY THE COURT:

DATED: *August 14, 2017*

/e/ William J. Fisher

WILLIAM J. FISHER
UNITED STATES BANKRUPTCY JUDGE